

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

959 CIVIL APPLICATION NO. 7028 OF 2018
IN FA/5105/2017

ANIS FATEMA BASSER KAZI AND ORS
VERSUS
THE DIV. MANAGER, M.S.R.T.C, BEED DEPOT, BEED AND ORS

...
Advocate for Applicants : Mr. S.S. Kazi
Adv. for Respondent 1: Mr. S.R. Bagal
...

CORAM : K.K. SONAWANE, J.

DATED : 19th JUNE, 2018.

Order :-

1. Heard learned counsel for appearing parties.
2. Perused the application.
3. It has been submitted that Maharashtra State Road Transport Corporation(for short "MSRTC") has filed an appeal and raised objection in regard to findings of the learned Trial Court on the point of contributory negligence as well as quantum of compensation amount, after due consideration of income of the deceased. Therefore, learned counsel for respondent - MSRTC opposed for withdrawal of the compensation deposited in this Court by the applicants.
4. In view of attending circumstances on record, it is not denied that the vehicle of respondent - MSRTC has an involvement in the accident resulting into death of deceased. The applicants are widow, son and mother of the deceased. In such circumstances, it would justifiable in the interest of justice to allow the applicants to

withdraw some part of compensation amount deposited in this Court on certain terms and conditions.

5. Hence, application stands partly allowed. The applicants are permitted to withdraw a lump sum amount of Rs.14,00,000/- (Rupees Fourteen Lakhs) from total decretal amount deposited in this Court on behalf of MSRTC subject to condition that applicants shall furnish undertaking to the effect that they would refund the amount, in case of any contingency arises in the appeal. It is stipulated that, from the amount of Rs. 14,00,000/- (Rupees Fourteen Lakhs) allowed to be withdrawn by the applicants, Rs.6,00,000/- (Rupees Six Lakhs) be invested in Fixed Deposit Receipt in the name of minor applicant No. 2 namely, Kazi Zameer s/o Baseer in any Nationalized Bank till he attains age of majority. The Registry to invest rest of the balance decretal amount in any Nationalized Bank for a period of two years or till decision of the appeal, whichever is earlier with liberty to renew the same in future, if required.

6. Accordingly, application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

MTK.